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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,382	06/28/2001	T.V.L.N. Sivakumar	NOKI14-00003	5552

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

10

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,382

Applicant(s)

SIVAKUMAR, T.V.L.N.

Examiner

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7, 8 and 9</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement filed 1-17-02 (paper #7) fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. **The documents contained in the IDS were not received (ie. 4 patents listed and one paper entitled "Pager with selective alert signals").**

Oath/Declaration

The full name of each inventor (family name and at least one given name together with any initial) has not been set forth. The full name is only shown as T.V.L.N. Sivakumar. Also, the applicant should sign his full name (eg. family name and at least one given name).

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

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- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The abstract of the disclosure is objected to because extraneous words (eg. "Figure 2") are found on the abstract – please delete. Correction is required. See MPEP § 608.01(b).

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed – suggest "Transmittal of local information provisioning data for a wireless system"

Drawings

The drawings filed on 6-28-01 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Claim Objections

Claim 1 objected to because of the following informalities: the claims recites “availability data” but does not define it in the claim. The examiner believes the applicant is using “availability data” to refer to the “signal carrying data indicating the presence of the entity”. Appropriate correction is required – failure to correct the claim and point out where this is disclosed in the specification may lead to a USC 112 rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al. US 6,587,835 and further in view of Maruyama et al. US 5,732,326 (hereafter Treyz and Maruyama).

As per **claim 1**, Treyz teaches a local data provision system (abstract teaches sending “local” shopping mall data to a shopper) comprising:

A plurality of transmitters each located at a respective entity having a limited range of physical utility (figure 13 teaches a merchant’s transmitter, #182 that sends data to handheld computing device #12 and is a local signal, C20, L57 to C21, L24, C22, L16-29 and C27, L45-54), and

Each transmitter being arranged repeatedly to transmit wirelessly a signal carrying data indicating the presence of the respective entity over a range substantially coterminous with the range of utility of that entity (Figure 49, #556/#558 discloses

merchant transmits RF in a coverage area that is coterminous with their store, C22, L16-29 teaches multiple transmitters that are needed to cover different areas while figures 16 and 17 define coterminous areas based on the footprint of a store and/or a shopping store aisle); and

A personal information unit comprising a user interface for signaling information to a user and a receiver arranged to receive the available data and to cause the user interface to signal information to the user in dependence on the received availability data (abstract teaches a handheld computing device that receives data wirelessly from the transponders, also see figures 1-2, 12-13, 14, 19-20 and C1, L5-52).

But is silent on "on demand" reception of transmitted data.

Maruyama teaches a wireless information guiding system (title, abstract) that provides a user the ability to control when they receive data (eg. "start/stop" functions reads on "on demand" -- figure 6 and C10, L4-22) and how much detail they wish to receive (via Information Depth Key, figure 6). This allows a user to control when and how fast they receive information about a museum exhibit and how much detail they wish to know.

It would have been obvious to one of ordinary skill in the art of wireless communications, at the time of applicant's invention to modify Treyz, such that data is transmitted in an on-demand fashion, to provide means for the user to control the time and rate at which they receive data.

Claim 2 is rejected based on Treyz in view of Maruyama as stated above in claim 1 and Treyz teaches a radio signal (figure 13 shows wireless RF link #180 between handheld and merchant).

Claim 3 is rejected based on Treyz in view of Maruyama as stated above in claim 1 and Treyz teaches comprising the respective transmitter transmits wirelessly a signal carrying data indicating the status of the respective entity (figure 1 discloses multiple merchants that use wireless links #56 to communicate with the handheld device and figure 49, #556/558 teaches merchant providing a description/status of themselves

to said handheld when proximate/coterminous, also see figure 13 and figure 14, #178 which shows multiple merchants communicating with handheld) **but is silent on** at least one status sensor located at one of the entities and capable of sensing the status of the entity.

While Treyz does not explicitly use the word "status sensor", the examiner notes that Treyz discloses checking the "status" of available specials in the mall and transmitting these specials to the handheld (figure 58, #608/#610). Further to this point, Treyz also teaches informing the user of current specials (figure 46) and that a restaurant table reservation (previously made) is now ready (figure 62) which reads on providing status information to the user. These actions inherently require a "status sensor" function to monitor the status of the entity and provide feedback about said entity to a user. Lastly, the system is operated on a computer platform (figure 2, #38) which would provide hardware/software for status sensing.

It would have been obvious to one of ordinary skill in the art of wireless communications, at the time of applicant's invention to modify Maruyama, such that a status sensor is located at an entity and capable of sensing status of the entity, to provide messages/feedback to the user as said entity's current status changes in real-time (ie. table is now ready, specials/sales of the day/week/month, etc.).

Claim 4 is rejected based on Treyz in view of Maruyama as stated above in claim 1 and Treyz teaches wherein the signal carrying the data indicating the presence of a respective entity includes data indicating the type of entity (figures 13 and 49 shows the merchant transmitting data to the handheld, figure 17 teaches transmitting data to/from the handheld in different store aisles, figure 46 discloses current specials in the store).

Claim 5 is rejected based on Treyz in view of Maruyama as stated above in claim 4 and Treyz teaches wherein the personal information unit includes a memory (figure 4, #72 is storage/memory) capable of storing a plurality of entity types and the personal information unit is arranged to cause the user interface to signal information to the user only if the received availability data includes data indicating one of the stored types (figure 71 teaches the user establishes the criteria for receiving notifications, C44, L20-65).

Claim 6 is rejected based on Treyz in view of Maruyama as stated above in claim 5 and Treyz teaches wherein the personal information unit includes input means for allowing a user to specify the plurality of entity types to be stored (figures 5-6 teaches the handheld device having a user-input interface, see buttons in figure 5 #120 and user interface #134 which would be used to input the plurality of entity types).

Claim 7 is rejected based on Treyz in view of Maruyama as stated above in claim 1 and Treyz teaches the personal information unit being a cellular phone (C9, L56-63).

Claim 8 is rejected based on Treyz in view of Maruyama as stated above in claim 1 and Treyz teaches wherein the personal information unit is capable of non-visually alerting a user in dependence on the received availability data (figure 4, #116 and C16, L5-15 teaches alert via vibration and alerting based on the type of data being transmitted, eg. email, calendar appointment, security, etc.).

Claim 9 is rejected based on Treyz in view of Maruyama as stated above in claim 4 and Treyz teaches wherein the personal information unit is capable of alerting a user with one of a plurality of alerts in dependence on the type indicated by received availability data (figure 4, #116 and C16, L5-15 teaches alert via vibration and alerting based on the type of data being transmitted, eg. email, calendar appointment, security, etc. and C44, L20-65 teaches the user can receive different alerts based on who (eg. entity) the message is coming from – only proximate merchant alert messages are sent via vibration while other types of messages may alert via audible, etc.).

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Claim 10 is rejected based on Treyz in view of Maruyama as stated above in claim 1 and Treyz teaches wherein the personal information unit is a portable unit (abstract teaches a "handheld device" and C9, L56-63 teaches the unit can be a cellular phone both of which inherently portable).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Khan et al. US 6,263,316.
2. Morrill Jr. US 5,991,749.
3. Hassett WO 94/07225
4. Clayton US 4,777,474

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta

